

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**SHERRY LEE CRUZ,**  
Petitioner,

v.

**JEFFERY DILLMAN,**  
Respondent.

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**CASE NO. 7:16CV00436**

**FINAL ORDER**

**By: Norman K. Moon**  
**United States District Judge**

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** that Cruz's 28 U.S.C. § 2254 petition is **DISMISSED without prejudice** and this action is **STRICKEN** from the active docket of the court.

Further, finding that Cruz has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

**ENTER:** This 19<sup>th</sup> day of June, 2017.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE